

BEFORE THE IOWA BOARD OF PHARMACY

RE: Certified Pharmacy Technician Registration of JULIE LANGE Registration No. 1688 Respondent	CASE NO. 2020-0151 COMBINED NOTICE OF HEARING, STATEMENT OF CHARGES, AND EMERGENCY ADJUDICATIVE ORDER
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COMES NOW the Iowa Board of Pharmacy ("Board") and files this Combined Notice of Hearing, Statement of Charges, and Emergency Adjudicative Order against Julie Lange ("Respondent"), 1350 Robins Rd, Hiawatha IA 52233, pursuant to Iowa Code sections 17A.12(2), 17A.18(3), 17A.18A, and 272C.3(1)(e), and 657 IAC 35.6, 35.7, and 35.35.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on January 12, 2021, before the Board. The hearing shall begin at 1:00 p.m. Due to the ongoing COVID-19 public health emergency, the hearing will be held electronically via the Zoom platform. At the time of your hearing, use the link zoom.us/join, and enter the meeting ID 810 6190 1817 and the meeting passcode q18Wm6.

Answer. Within twenty (20) days of the date you are served this Combined Notice of Hearing, Statement of Charges, and Emergency Adjudicative Order, you may file an Answer pursuant to 657 IAC 35.16. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Combined Notice of Hearing, Statement of Charges, and Emergency Adjudicative Order.

Filing of Pleadings. Pleadings shall be filed with the Board either by e-mail, if done in compliance with 657 IAC 35.17(2), to Amanda.Woltz@iowa.gov, or by mail/delivery to the following address: Iowa Board of Pharmacy, 400 SW 8th St, Ste E, Des Moines IA 50309.

Presiding Officer. The Board shall serve as presiding officer at the contested case hearing, but the Board hereby delegates to an Administrative Law Judge from the Department of Inspections and Appeals the authority to make initial rulings on prehearing matters, and requests the administrative law judge be present to assist and advise the Board at the contested case hearing.

Hearing Procedures. The procedural rules governing the conduct of the contested case hearing, including prehearing matters, are found at 657 IAC chapter 35. At the hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues

of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at the hearing. The hearing may be open to the public or closed to the public at your discretion, pursuant to Iowa Code section 272C.6(1) and 657 IAC 35.25(10).

Prosecution. The Office of Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address:

Laura Steffensmeier
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319

Ms. Steffensmeier can also be reached by phone at (515) 281-6690 or by e-mail at laura.steffensmeier@ag.iowa.gov.

Communications. You may not contact individual Board members in any manner, including by phone, letter, or e-mail, regarding this Combined Notice of Hearing, Statement of Charges, and Emergency Adjudicative Order. Board members may only receive information about the case when all parties have notice and the opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 155A, and 272C (2020).

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 155A and 272C, and 657 IAC chapter 36. The Board has the authority to issue an Emergency Adjudicative Order pursuant to Iowa Code section 17A.18A and 657 IAC 35.35.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 IAC 35.27.

C. STATEMENT OF CHARGES

COUNT I

FAILING TO COMPLY WITH IMP3 CONTRACT

Respondent is charged with failing to comply with the terms of a contract with the Iowa monitoring program for pharmacy professionals committee, and may be disciplined pursuant to Iowa Code section 155A.6A(5), and 657 IAC 36.6(43).

D. FACTUAL CIRCUMSTANCES

1. Respondent's Iowa certified pharmacy technician registration number 1688 is currently active through April 30, 2021.
2. In June 2020, Respondent signed a contract with the IMP3 committee.
3. Respondent's contract required her to abstain from drugs and alcohol and to participate in a chemical screening program.
4. On multiple occasions, Respondent tested positive for substances in violation of her contract.
5. Respondent failed to sign a release as required by her contract.
6. In October 2020, Respondent was referred to the Board for noncompliance.

E. EMERGENCY ADJUDICATIVE ORDER

FINDINGS OF FACT

The Board finds sufficient evidence to support each factual circumstance identified in Section D, above.

CONCLUSIONS OF LAW

Based on these findings of fact, the Board concludes Respondent has violated the laws cited in Count I, identified in Section C, above.

POLICY REASONS

Respondent has repeatedly tested positive for substances in violation of her contract. Respondent has indicated her unwillingness to cooperate with the IMP3. If Respondent works as a pharmacy technician while impaired, there is a danger to patients. Respondent's continued ability to practice by means of a publicly unrestricted pharmacy technician registration poses an immediate danger to the public health, safety, and welfare. The only way to ensure that Respondent does not work in the immediate future is to restrict her ability to work as a pharmacy technician.

ORDER

Respondent's certified pharmacy technician registration is **INDEFINITELY SUSPENDED**, effective immediately, and until further order of the Board. A hearing regarding this Emergency Adjudicative Order is scheduled as set forth in Section A, above.

F. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 IAC 35.24. If you are interested in pursuing settlement in this matter, please contact Assistant Attorney General Laura Steffensmeier at (515) 281-6690.

G. FINDING OF PROBABLE CAUSE

On December 16, 2020, the Iowa Board of Pharmacy found probable cause to file this Combined Notice of Hearing, Statement of Charges, and Emergency Adjudicative Order.

A handwritten signature in black ink, appearing to read "J. Me", is positioned above a horizontal line.

Chairperson
Iowa Board of Pharmacy

PLEASE NOTE: If you require the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call 515-281-0233. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).